THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.3297 of 2001

DATED:18-03-2006

Between:

G. Kaspa Reddy

..Petitioner

And

Bharat Petroleum Corporation Limited, LPG Plant and Territory Office, Phase III Cherlapalli, Hyderabad represented by its Managing Director. and another.

..Respondents

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WRIT PETITION No.3297 of 2001

ORDER:

The petitioner is allegedly an Ex-serviceman. Pursuant to the notification issued by the first respondent on 16-08-2000 for appointment of LPG Dealer for Warangal, the petitioner appeared for interview on
14-02-2001 before the second respondent. He claims that he was the only eligible candidate for dealership, and in spite of the same, the respondents did not award the dealership to the petitioner and did not finalize the selections. Therefore, he filed the present writ petition seeking a direction to finalize selections pursuant to the interviews conducted on 14-02-2001. He also seeks a declaration that the action of the respondents in seeking to re-advertise the vacancy, as illegal and arbitrary.

This Court while admitting the writ petition on 27-02-2001 directed the respondents not to proceed further in any manner and maintain *status quo* existing as on that day. The respondents now moved an application, being W.V.M.P.No.311 of 2006, for vacating the said order.

A counter-affidavit was already filed before this Court in March 2001. But unfortunately, the case was not listed before the Court. Be that as it is, in the counter-affidavit while denying the various allegations made by the petitioner, the Non-member Secretary of the second respondent states that after conducting interviews, the Dealer Selection Board felt that it is a fit case for re-advertisement, as there are no suitable candidates available for appointment of dealers. It is further stated that in respect of other places for which interviews were conducted, the Dealer Selection Board found the candidates eligible, and accordingly, recommended for appointment as dealers, whereas in case of Warangal, for which the petitioner was competing, the Dealer Selection Board found that none of the candidates was eligible.

The learned counsel for the petitioner vehemently contends that from 1995 onwards, the respondents are advertising the dealership vacancy, but for one reason or the other they are not making any appointment. It is further submitted that as per the relevant guidelines a person to be eligible should not be below 21 years and above 60 years. As the petitioner appeared when he was 54 years old, if any further selection is conducted pursuant to any re-advertisement, he would not be eligible to

proceed in the selections. Therefore, he prays for a direction to consider his case also along with others.

There is no denial by the learned counsel for the petitioner that the petitioner appeared for interview before the second respondent on 14-02-2001. According to selection procedure at the relevant time, the first respondent made appointments for dealerships only based on the recommendations of the second respondent, which was an expert body. If an expert body after conducting interviews comes to a conclusion that none of the candidates, who appeared for the interview, is eligible or suitable, the enquiry must stop there. In a writ petition, this Court cannot take a view, which is different from the Selection Board, and give a direction to the first respondent either not to re-advertise or to appoint the petitioner even if he is an Ex-serviceman, as claimed. The right to be considered by providing equal opportunity does not include the right to be appointed. Therefore, the petitioner cannot be said to have any right to compel the first respondent not to proceed with the re-advertisement. Insofar as the other submission is concerned, if a candidate is eligible at the time of selections in 2001 and fails to come up with the selection, such a candidate cannot seek any relaxation of the eligibility conditions when selections are re-advertised.

The writ petition is devoid of merits and is accordingly dismissed. No costs.

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(V.V.S.RAO,J)

Dated:18.03.2006

GJ